



Osteopaths Act 1993

1993 CHAPTER 21

Professional conduct and fitness to practise

22 Consideration of allegations by the Professional Conduct Committee.

- (1) Where an allegation has been referred to the Professional Conduct Committee under section 20 or by virtue of any rule made under section 26(2)(a), it shall be the duty of the Committee to consider the allegation.
- (2) If, having considered it, the Committee is satisfied that the allegation is well founded it shall proceed as follows.
- (3) If the allegation is of a kind mentioned in section 20(1)(c), the Committee may take no further action if it considers that the criminal offence in question has no material relevance to the fitness of the osteopath concerned to practise osteopathy.
- (4) Otherwise, the Committee shall take one of the following steps—
 - (a) admonish the osteopath;
 - (b) make an order imposing conditions with which he must comply while practising as an osteopath (a “conditions of practice order”);
 - (c) order the Registrar to suspend the osteopath’s registration for such period as may be specified in the order (a “suspension order”); or
 - (d) order the Registrar to remove the osteopath’s name from the register.

[^{F1}(4A) A conditions of practice order must specify one or both of the following—

- (a) the period for which the order is to have effect;
 - (b) a test of competence which must be taken by the osteopath.]
- (5) A conditions of practice order shall cease to have effect—
- (a) if a period is specified in the order ^{F2} . . ., when that period ends;
 - (b) if no such period is specified but a test of competence is so specified, when the osteopath concerned passes the test; or
 - (c) if both a period and a test are so specified, when the period ends or when the osteopath concerned passes the test, whichever is the later to occur.

Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Section 22. (See end of Document for details)

- (6) At any time while a conditions of practice order is in force under this section or by virtue of a [F³decision of a court on an appeal under section 31] , the Committee may (whether or not of its own motion)—
- (a) extend, or further extend, the period for which the order has effect;
 - (b) revoke or vary any of the conditions;
 - (c) require the osteopath concerned to pass a test of competence specified by the Committee;
 - (d) reduce the period for which the order has effect; or
 - (e) revoke the order.
- (7) Where the period for which a conditions of practice order has effect is extended or reduced under subsection (6), or a test of competence is specified under that subsection, subsection (5) shall have effect as if—
- (a) the period specified in the conditions of practice order was the extended or reduced period; and
 - (b) the test of competence was specified in that order.
- (8) At any time while a suspension order is in force with respect to an osteopath under this section or by virtue of a [F⁴decision of a court on an appeal under section 31] , the Committee may (whether or not of its own motion)—
- (a) extend, or further extend, the period of suspension; and
 - (b) make a conditions of practice order with which the osteopath must comply if he resumes the practice of osteopathy after the end of his period of suspension.
- (9) The period specified in a conditions of practice order or in a suspension order under this section, and any extension of a specified period under subsection (6) or (8), shall not in each case exceed three years.
- (10) Before exercising its powers under subsection (4), (6) or (8), the Committee shall give the osteopath concerned an opportunity to appear before it and to argue his case.
- (11) At any such hearing the osteopath shall be entitled to be legally represented.
- (12) In exercising its powers under subsection (6) or (8), the Committee shall ensure that the conditions imposed on the osteopath concerned are, or the period of suspension imposed on him is, the minimum which it considers necessary for the protection of members of the public.
- (13) The Committee shall, before the end of the period of twelve months beginning with the commencement of this section, and at least once in every succeeding period of twelve months, publish a report setting out—
- (a) the names of those osteopaths in respect of whom it has investigated allegations under this section and found the allegations to be well founded;
 - (b) the nature of those allegations; and
 - (c) the steps (if any) taken by the Committee in respect of the osteopaths so named.
- (14) Where the Committee has investigated any allegation against an osteopath under this section and has not been satisfied that the allegation was well founded, it shall include in its report for the year in question a statement of that fact if the osteopath so requests.

Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Section 22. (See end of Document for details)

Textual Amendments

- F1** S. 22(4A) inserted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 5(1)**
- F2** Words in s. 22(5)(a) repealed (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 5(2)**
- F3** Words in s. 22(6) substituted (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 33(3)**, 42(3); S.I. 2003/833, art. 3(a) (with art. 4)
- F4** Words in s. 22(8) substituted (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 33(3)**, 42(3); S.I. 2003/833, art. 3(a) (with art. 4)

Modifications etc. (not altering text)

- C1** S. 22 restricted (9.5.2000) by S.I. 2000/1037, **Sch. para. 3(6)**

Changes to legislation:

There are currently no known outstanding effects for the Osteopaths Act 1993, Section 22.